

REMARKS

Initially, it is noted that the office action must accept the claims as written and cannot simply remove the elements because of any alleged lack of supporting the specification. Since the Examiner, himself, used the language “unthickened,” it cannot be that the Examiner does not understand what this terminology means. The Examiner, himself, raised the thickening and possibility of unthickened slurries in the prior rejection preceding the present one.

There, the Examiner conceded that the cited reference did not teach unthickened slurries. Therefore, the maintenance of the rejection over the prior art is unsupportable and must be withdrawn on its face. The Examiner cannot take entirely inconsistent positions with no explanation. Certainly, there is no reasonable basis to assert that Tredinnick teaches unthickened slurries.

To the contrary, Tredinnick notes that conventional slurries perform worse, in his opinion, when aged. He attempts to overcome this problem by thickening them. See, for example, Tredinnick at column 1, lines 25-35.

The assertion that one skilled in the art would not understand that the present application disclosed a conventional slurry should be reconsidered. Both the present application, as well as Tredinnick, acknowledge that conventional slurries are unthickened. Tredinnick tried to get a patent and apparently was successful in obtaining a patent on the idea of thickening slurries. But both the present application and Tredinnick suggest nothing about conventional slurries including a thickening agent. Thus, one skilled in the art would read the present application and would understand that it is conventional in all respects, other than its age. Since conventional slurries do not include thickening agents, the same is disclosed.

Moreover, the composition of the slurry is set forth in the specification at page 2, lines 23-25, and there is no mention of any kind of thickening agent. Instead, a conventional slurry is described.

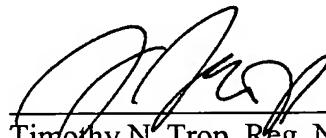
Of course, there is no requirement that thickened or unthickened must be precisely stated in the specification. All that needs to be described is what is sufficient for one of ordinary skill in the art to understand the limitation. Clearly, one skilled in the art would understand from the specification that conventional slurries would be more effective if aged as described therein. Surprisingly, the application is found to be obvious over a reference which makes exactly the

opposite finding. The only way to square the two references is to understand that Tredinnick's experience with aged slurries were slurries that were not sufficiently aged. However, he does not exactly say how old the slurries were which he claims caused excessive gouging.

Therefore, reconsideration of the prior art rejection and the written description requirement is respectfully requested.

With respect to the definiteness requirement, it is believed that one skilled in the art would understand that conventional slurries are unthickened. Unthickened clearly means no thickening. Thus, one skilled in the art could clearly determine what is intended by the claimed invention.

Respectfully submitted,



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